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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,864	04/03/1998	CRAIG R. FRINK	AO521/7145(P	3189
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PETER J GORDON WOLF GREENFIELD AND SACKS 600 ATLANTIC AVENUE BOSTON, MA 022102211		· . [EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.



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Art Unit: 2611

DETAILED ACTION

Election/Restrictions

During a telephone conversation with Peter Gordon on 05/02/2002 a provisional election was made without traverse to prosecute the invention of species, claims 5-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 and 9-16 withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether "another video processing device" is different or the same from "the other video processing device".

The following art rejection is applied to applicant's claims as best understood in view of the 112 2nd paragraph rejection above.

Art Unit: 2611

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (US 5799150).

Regarding claim 5, Hamilton discloses a video processing system (Fig. 2), comprising:

A first video processing device 40 (Server) comprising

A memory 56;

An input 60 for receiving request packets from another video processing device 50 (Client) indicating the other video processing device 50 (Client) is capable of receiving data (Col. 9, lines 23-38); and

Art Unit: 2611

An output for sending 60, in response to a request packet, data packet from the source to the other video processing device 50 (Client) when data is available from the source (Col. 9, lines 48-56).

Regarding "wherein a request/data packet includes a stream identifier", it's notoriously well known in the data communication art that within a basic DMA packet format there exist a Stream ID. Hence, Hamilton communication protocol as described in Fig. 6 and 7 (Col. 7, lines 39-Col. 8, lines 63) clearly encompasses the limitation of "a request packet includes a stream identifier". Furthermore, Hamilton discloses "a stream identifier indicating a source for reading data from the memory in the video processing device" (an indication of a media file to be accessed; Col. 9, lines 25-26).

Regarding claim 6, Halmilton shows a data packet further includes a boundary signal portion containing a boundary signal indicative of an end of a data sample in the data packet (Fig. 6, element 78).

Regarding claim 7, Hamilton further discloses a request packet includes a request signal portion containing a request signal from the other video processing device (Client) indicating a request for transfer of an amount of valid data (Col. 9, lines 25-38).

Regarding claim 8, Hamilton further discloses means for permitting transfer of data through the output in an amount less than or equal to the amount of valid data indicated in the request packet and for holding data in an amount greater than the

Art Unit: 2611

amount of valid data indicated in the request packet (Col. 9, lines 23-36 and Col. 10, lines 10-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fennell et al. (US 5287550) shows a simulcast scheduler.

Bagley et al. (US 5737535) shows a flow control circuit for networked communications system including arrangement for reducing overhead at the beginning of a communications session by enabling message transmission before receiving flow control information.

Sudama et al. (US 4791566) shows a terminal device session management protocol.

Yanagihara et al. (US 6233393) shows an apparatus for transmitting data in isochronous and asynchronous manners, an apparatus for receiving the same, and a system and method for such transmitting and receiving of such data.

Art Unit: 2611

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or Faxed to: (703) 872-9314

(for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377

HT:ht 5/3/02

ANDREW FAILE SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600